



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

EDWIN JAY RANDALL,
Plaintiff,

vs.

MICHAEL PETTIFORD et al.,
Defendants.

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CIVIL ACTION NO. 0:08-3594-HFF-PJG

ORDER

This case was filed as a civil rights action. Plaintiff is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that Defendants' motion to dismiss (Docket Entry 37) be granted in part and denied in part. Specifically, the Magistrate Judge recommends that the claims against (1) Defendants Drew, Lappin, Martinez, and Cunningham be dismissed, with such dismissal being without opposition from Plaintiff, (2) Defendants Dodrill and Watts be dismissed for lack of personal jurisdiction, and (3) Defendants, Pettiford, Buchanan, Comstock, Schantz, and Branch not be dismissed. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may

accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on February 22, 2010, but the parties failed to file any objections to the Report. In the absence of such objections, the Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court that Defendants' motion to dismiss (Docket Entry 37) is **GRANTED IN PART AND DENIED IN PART**. Specifically, the claims against (1) Defendants Drew, Lappin, Martinez, and Cunningham are **DISMISSED**, with such dismissal being without opposition from Plaintiff, (2) Defendants Dodrill and Watts are **DISMISSED** for lack of personal jurisdiction, and (3) Defendants, Pettiford, Buchanan, Comstock, Schantz, and Branch are not dismissed.

IT IS SO ORDERED.

Signed this 18th day of March, 2010, in Spartanburg, South Carolina.

s/ Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.